

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
NOVEMBER 13, 2024

THE CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING of the City of Port Orange was called to order by Special Magistrate David Fuller at 9:00 a.m.

PRESENT: DAVID FULLER, SPECIAL MAGISTRATE

ALSO PRESENT: DENA JOSEPH, CODE OFFICER
STAN BARBER, CODE MANAGER
AMANDA BONIN, DEPUTY CITY CLERK

Oaths

Code Enforcement Officer Dena Joseph and Stan Barber Code Enforcement Manager were sworn in by Special Magistrate Fuller.

CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process
2. Consideration of Minutes

Minutes will be considered at the next meeting on December 11, 2024.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 24-1060
Respondent: Bethanne Keller
Address of Violation: 5579 Lancewood Drive, Port Orange, FL 32127
Code Officer: Caelan Savary
First Notified: 8/14/2024

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) All fences shall be maintained in their original upright condition & (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

Stan Barber, Code Enforcement Manager, requested a continuation of the case until January 8, 2025. Special Magistrate Fuller granted the continuation request.

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4. **CEB Case No.:** 24-1146

Respondent: Billy Charles Davis, Inc., Property Owner C/O Bill C. Davis,
Registered Agent

Address of Violation: 5401 Christianity Avenue, Port Orange, FL 32127

Code Officer: Caelan Savary

First Notified: 8/26/2024

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.), of the City of Port Orange Code of Ordinances.

Chapter 42 (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of property generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

Mr. Barber, requested a continuation of the case until January 8, 2025. Special Magistrate Fuller granted the continuation request.

5. **CEB Case No.:** 24-1393

Respondent: Binh Ngo

Address of Violation: 543 Orange Avenue, Port Orange, FL 32127

Code Officer: Stan Barber

First Notified: 9/20/2024

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances, (h) Abutting property owner maintenance of parkages.

Mr. Barber, requested a continuation of the case until January 8, 2025. Special Magistrate Fuller granted the continuation request.

6. **CEB Case No.:** 24-0975

Respondent: Pamela D. Quantz

Address of Violation: 6505 Baywood Avenue, Port Orange, FL 32127

Code Officer: Stan Barber

First Notified: 7/31/2024

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d)

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(Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances, (h) Abutting property owner maintenance of parkages. Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.) of the City of Port Orange Code of Ordinances. Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances. Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 (Parking of recreational vehicles and equipment on residential premises), (a), (c), (3).

Mr. Barber, requested a continuation of the case until January 8, 2025. Special Magistrate Fuller granted the continuation request.

7. CEB Case No.: 20-0974

Respondent: Pamela D. Quantz

Address of Violation: 6507 Baywood Avenue, Port Orange, FL 32127

Code Officer: Stan Barber

First Notified: 7/31/2024

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances, (h) Abutting property owner maintenance of parkages. Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.), of the City of Port Orange Code of Ordinances.

Mr. Barber, requested a continuation of the case until January 8, 2025. Special Magistrate Fuller granted the continuation request.

8. CEB Case No.: 24-0784

Respondent: Julia Zaehring

Address of Violation: 5154 Taylor Avenue, Port Orange, FL 32127

Code Officer: Stan Barber

First Notified: 7/2/2024

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.), of the City of Port Orange Code of Ordinances. Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances.

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Chapter 42 (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

Mr. Barber, requested a continuation of the case until January 8, 2025. Special Magistrate Fuller granted the continuation request.

9. CEB Case No.: 24-1007

Respondent: Peter J. Renko

Address of Violation: 150 Howes Street, Port Orange, FL 32127

Code Officer: Stan Barber

First Notified: 8/6/2024

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances, (h) Abutting property owner maintenance of parkages.
Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

Mr. Barber, requested a continuation of the case until January 8, 2025. Special Magistrate Fuller granted the continuation request.

10. CEB Case No.: 24-1288

Respondent: Exum J. Jaillet Estate

Address of Violation: 253 Leisure Circle, Port Orange, FL 32127

Code Officer: Sherry Schimizzi

First Notified: 9/10/2024

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances, (h) Abutting property owner maintenance of parkages.

Mr. Barber, requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

11. CEB Case No.: 23-1371

Respondent: Arkagas LLC C/O Daniel Neary Registered Agent

Address of Violation: 5784 Taylor Branch Road, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 12/8/2023

Compliance: No

Cited for violation(s) - Chapter 1 (Scope and Administration), Section 109 (Unsafe Structures and Equipment), 109.1.5 (Hazardous structures or premises), (3) and (4), of the 2024 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 109.1.5 Hazardous structure or premises (3) and (4).

Mr. Brandon Weinstein, registered agent for the property owner, and Code Officer Dena Joseph were sworn in. Special Magistrate Fuller requested a copy of the contract, but one wasn't made available prior to the hearing. Mr. Weinstein has a copy of the contract but did not supply a copy to the City prior to this hearing. Mr. Fuller requested a copy of the contract and continued this case to the December 11, 2024, hearing.

12. **CEB Case No.:** 24-1260

Respondent: Arkagas LLC C/O Daniel Neary

Address of Violation: 5784 Taylor Branch Rd.

Code Officer: Dena Joseph

First Notified: 9/3/2024

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances. Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages. Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances. Chapter 42 (Nuisances), Article II (Garbage , Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

Dena Joseph, requested a continuation of the case until December 11, 2024. Special Magistrate Fuller granted the continuation request.

13. **CEB Case No.:** 24-1326

Respondent: Joseph A Fazzie

Kathleen A Fazzie

Address of Violation: 6604 Mansour Ln.

Code Officer: Dena Joseph

First Notified: 9/17/2024

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances. Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages. Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances. Chapter 42 (Nuisances), Article II (Garbage , Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

Dena Joseph, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by mowing the entire property to include weed eating all high weeds on site and removing all yard debris on the property, and by removing all items stored outside, including those that are visible in the pool enclosure area and by properly storing them in an enclosed building by October 13, 2024.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes, with the violations to be corrected by mowing the entire property to include weed eating all high weeds on site and removing all yard debris on the property, and by removing all items stored outside, including those that are visible in the pool enclosure area and by properly storing them in an enclosed building by November 24, 2024. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the amount of \$250.00 per day shall be imposed. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Dena Joseph requested any future violations under this ordinance be considered repeat, and that the property be deemed a health and safety concern for the surrounding neighbors in that it is an attractive nuisance for small children, rodents, and other pests. The cost sheet in the amount of \$70.57 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Mr. Joseph Fazzie, property owner, was sworn in, testified as to the condition of the property and showed photos he took of the property. Mr. Fazzie stated the items are still there, and he is in the process of removing them, but his neighbor has a fence up now and can no longer see his property. Ms. Joseph testified that all the photos taken by her were from the sidewalk.

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Special Magistrate Fuller found the property in violation, ordered the property owner to comply by December 9, 2024, and deemed the property a health and safety violation. The property owner has until December 9, 2024, to comply or a daily fine in the amount of \$125.00 per day shall be imposed. Costs in the amount of \$70.57 were awarded to the City.

ORDER IMPOSING FINE/LIEN

14. **CEB Case No.:** 24-725

Respondent: Diana Lynn Newth

Address of Violation: 5169 Pineland Avenue, Port Orange, FL 32127

Code Officer: Stan Barber

First Notified: 6/18/2024

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.), of the City of Port Orange Code of Ordinances.

Mr. Barber, requested a continuation of the case until January 8, 2025. Special Magistrate Fuller granted the continuation request.

15. **CEB Case No.:** 24-968

Respondent: Richard M. Gregoire

Janne C. Gregoire

Address of Violation: 5213 Rogers Avenue, Port Orange, FL 32127

Code Officer: Stan Barber

First Notified: 7/31/2024

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances and (h) Abutting property owner maintenance of parkages. Chapter 42 (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc., prohibited, of the City of Port Orange Code of Ordinances.

Mr. Barber, requested a continuation of the case until January 8, 2025. Special Magistrate Fuller granted the continuation request.

16. **CEB Case No.:** 24-1020

Respondent: Jennifer Wellnitz

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Address of Violation: 748 Merrimac Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 8/8/2024

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances and (h) Abutting property owner maintenance of parkages. Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.), of the City of Port Orange Code of Ordinances.

Mr. Barber, requested a continuation of the case until January 8, 2025. Special Magistrate Fuller granted the continuation request.

ADJOURNMENT - 9:50 a.m.


Special Magistrate David Fuller